

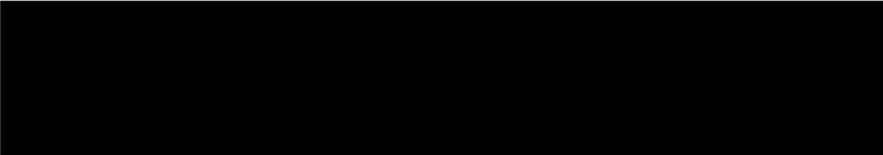
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**U.S. Citizenship
and Immigration
Services**

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FILE:



Office: VERMONT SERVICE CENTER

Date: JUN 07 2007

EAC 05 119 52694

IN RE:

Petitioner:



Beneficiary:

PETITION: Immigrant Petition for Special Immigrant Religious Worker Pursuant to Section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), as described at Section 101(a)(27)(C) of the Act, 8 U.S.C. § 1101(a)(27)(C)

ON BEHALF OF PETITIONER:



INSTRUCTIONS:

This is the decision of the Administrative Appeals Office in your case. All documents have been returned to the office that originally decided your case. Any further inquiry must be made to that office.

Maura O'Connell
Robert P. Wiemann, Chief
Administrative Appeals Office

DISCUSSION: The Director, Vermont Service Center, denied the employment-based immigrant visa petition. The matter is now before the Administrative Appeals Office (AAO) on appeal. The appeal will be summarily dismissed.

The petitioner is a church. It seeks to classify the beneficiary as a special immigrant religious worker pursuant to section 203(b)(4) of the Immigration and Nationality Act (the Act), 8 U.S.C. § 1153(b)(4), to perform services as a bible instructor. The director determined that the petitioner had not established that the position has been or will be a full-time religious occupation. The director noted that the beneficiary teaches three bible classes per week.

8 C.F.R. § 103.3(a)(1)(v) states, in pertinent part, “[a]n officer to whom an appeal is taken shall summarily dismiss any appeal when the party concerned fails to identify specifically any erroneous conclusion of law or statement of fact for the appeal.”

On the Form I-290B Notice of Appeal, filed on February 10, 2006, counsel indicated that a brief would be forthcoming within thirty days. As of May 2, 2007, the record contained no further submission. On that date, the AAO notified counsel that the AAO had received no brief. The AAO instructed counsel to submit the brief or acknowledge that no brief was sent. The AAO advised counsel: “Failure to respond to this notice within five business days may result in the summary dismissal of your appeal.” To date, a month later, there has been no response from counsel.

The statement on the appeal form itself consists of counsel’s assertion that, once lesson preparation, evaluation, and other duties are taken into account, the beneficiary’s work schedule can be considered full-time. The assertions of counsel do not constitute evidence. *Matter of Laureano*, 19 I&N Dec. 1, 2, 4 (BIA 1983); *Matter of Obaigbena*, 19 I&N Dec. 533, 534 (BIA 1988); *Matter of Ramirez-Sanchez*, 17 I&N Dec. 503, 506 (BIA 1980). Counsel has had over 15 months to produce corroborating evidence, but the record does not contain any such materials. Counsel’s unsubstantiated factual claims lack evidentiary weight and, therefore, cannot form a sufficient basis for a substantive appeal. Therefore, as the AAO had advised in its message of May 1, 2007, the appeal must be summarily dismissed.

ORDER: The appeal is dismissed.